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# HOUSE BILL No. 1919

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-30-3; IC 25-30-2.

**Synopsis:** Polygraph examiner certification. Repeals IC 25-30-2, which provides for regulation of polygraph examiners by the state police. Creates a new polygraph examiner law. Provides for the establishment of a polygraph examiner certification board. Establishes new certification requirements for polygraph examiners. Provides that the board issues, denies, and revokes certificates of competence for polygraph examiners. Exempts out-of-state law enforcement officers from the certification requirements. Provides that an uncertified individual who uses the title of polygraph examiner commits a Class A infraction.

**Effective:** July 1, 2001.

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## Frenz, Thompson

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January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1919

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-30-3 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]:
- 4 **Chapter 3. Certification of Polygraph Examiners**
- 5 **Sec. 1. This chapter may be cited as the "Polygraph Examiner**
- 6 **Law".**
- 7 **Sec. 2. This chapter does not apply to a law enforcement officer**
- 8 **from a state other than Indiana who conducts a polygraph**
- 9 **examination in Indiana for purposes of criminal justice in Indiana.**
- 10 **Sec. 3. As used in this chapter:**
- 11 **(1) "Board" refers to the polygraph examiner certification**
- 12 **board established by section 4 of this chapter.**
- 13 **(2) "Law enforcement officer" has the meaning set forth in**
- 14 **IC 9-13-2-92.**
- 15 **(3) "Licensing agency" refers to the Indiana professional**
- 16 **licensing agency established under IC 25-1-6.**
- 17 **(4) "Polygraph examiner" means a person who is solely or**



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1 partly engaged in the business of establishing the truth or  
 2 falsity of any statement or representation by means of a  
 3 polygraph instrument.

4 (5) "Polygraph instrument" means a device that permanently  
 5 and simultaneously records, at a minimum, an individual's  
 6 cardiovascular and respiratory patterns and galvanic skin  
 7 responses in order to determine truthfulness.

8 Sec. 4. (a) The polygraph examiner certification board is  
 9 established.

10 (b) The board consists of the superintendent of the state police  
 11 department or the superintendent's designee and the following four  
 12 (4) members appointed by the governor from different geographic  
 13 regions of Indiana as determined by the governor:

14 (1) One (1) polygraph examiner in private practice.

15 (2) One (1) polygraph examiner from a municipal police  
 16 department.

17 (3) One (1) polygraph examiner from a county sheriff's  
 18 department.

19 (4) One (1) member of the public.

20 Sec. 5. (a) The board shall issue a certificate of competence to  
 21 operate a polygraph instrument to each individual who:

22 (1) is at least twenty-one (21) years of age;

23 (2) has successfully completed a course of study in an  
 24 accredited American Polygraph Association school or an  
 25 American Association of Police Polygraphists basic polygraph  
 26 course; and

27 (3) complies with the standards and procedures established by  
 28 the board under subsection (b).

29 (b) The board shall adopt rules under IC 4-22-2 to establish  
 30 standards and procedures for granting certificates of competence  
 31 to operate polygraph instruments. These standards and procedures  
 32 may include one (1) or both of the following requirements:

33 (1) Submitting evidence that demonstrates the applicant's  
 34 experience and competence in the operation of polygraph  
 35 instruments.

36 (2) Successfully completing a written examination.

37 Sec. 6. The board shall deny a certificate of competence if the  
 38 applicant has:

39 (1) committed an act that, if committed by an individual  
 40 holding a certificate issued under this chapter, would result in  
 41 the suspension or revocation of the certificate;

42 (2) been convicted of:



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(A) a felony; or

(B) a misdemeanor that directly bears on the applicant's ability to practice polygraphy;

(3) been denied a certificate under this chapter; or

(4) had a certificate revoked under this chapter.

Sec. 7. The board may revoke a certificate issued under section 5 of this chapter under standards and procedures established by the board under IC 4-22-2.

Sec. 8. (a) The board shall adopt rules under IC 25-1-8 to establish fees, including certification fees, for the administration of this chapter.

(b) All fees collected under this chapter shall be deposited in the state general fund and shall be accounted for by the department.

Sec. 9. (a) The board shall adopt rules under IC 4-22-2 to establish continuing education requirements for polygraph examiners. The requirements must include the following:

(1) Polygraph examiners shall complete at least forty (40) hours of continuing education every two (2) years.

(2) Continuing education courses must be directly related to the practice of polygraphy.

(3) Continuing education courses must be approved by the department to count toward satisfaction of the requirement under subdivision (1).

(b) The board shall adopt rules under IC 4-22-2 to require polygraph examiners who conduct court ordered sex offender polygraph examinations to have successfully completed an approved American Polygraph Association sex offender polygraph testing program.

(c) The board shall adopt rules under IC 4-22-2 to establish standards and procedures for revocation of a certificate issued under section 4 of this chapter.

(d) The board may adopt rules under IC 4-22-2 to establish any additional procedures necessary to implement this chapter.

Sec. 10. An individual who has not received a certificate of competence to operate a polygraph instrument may not:

(1) conduct a polygraph examination; or

(2) assume or use the title "certified polygraph examiner", "polygraph examiner", "polygraph operator", or "forensic psychophysiologicalist".

An individual who violates this section commits a Class A infraction.

SECTION 2. [EFFECTIVE JULY 1, 2001] (a) A polygraph

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1 examiner certified as of June 30, 2001, under IC 25-30-2 (repealed)  
2 is not required to comply with IC 25-30-3 (effective July 1, 2001)  
3 until July 1, 2002.

4 (b) A certificate of competence issued under IC 25-30-2  
5 (repealed) remains in effect until July 1, 2002.

6 SECTION 3. IC 25-30-2 IS REPEALED [EFFECTIVE JULY 1,  
7 2001].

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